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February 16, 2024

BY ECF

Hon Elizabeth A. Wolford
Chief Judge, United States District Court
Western District Court of New York
100 State Street
Rochester, New York 14614

Re: *Smith v. Annucci, et al., 18-cv-6261*

Dear Judge Wolford:

In connection with pretrial proceedings before this Court on February 12, 2024, I write to request on behalf of our client, Plaintiff Lemuel Smith, that he be permitted to appear at his trial and give testimony before a jury in appropriate civilian clothing to be provided by Plaintiff's counsel. It is respectfully submitted that, although Plaintiff is and will remain during trial an incarcerated individual, and is not appearing as a defendant in a criminal proceeding against him, similar considerations, such as the avoidance of undue prejudice and undue influence (or negative inferences) when appearing in state-issued prison attire, remain present. Therefore, on behalf of Plaintiff, it is hereby requested that the Court approve Mr. Smith's request to appear at trial in civilian clothing.

Annexed hereto is a Proposed Order to permit Plaintiff Lemuel Smith, an inmate housed at Wende Correctional Facility in Alden, New York, to change into and wear clothes provided by Plaintiff's counsel at his trial set to commence at 9:00 a.m. on February 26, 2024, and continuing thereafter as may be necessary.

We thank the Court in advance for its time and consideration of this matter.

Respectfully submitted,

/s/ Jonathan R. Jeremias
Jonathan R. Jeremias

Encl.

cc: Hillel Deutsch, Esq. (counsel for Defendants via ECF)